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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2327 OF 2007

Ashok Ravji Vadodriya ...Petitioner.

Vs.

Municipal Corporation of Greater Mumbai & Ors. ...Respondents.

Mr. S.M.Kamble for the petitioner.
Mr. A.J.Bhor for respondent No.1.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th July, 2007

P.C.

1. Against the order of injunction dated 09/04/1999 as per the petitioner, the defendants and the alleged contemnors as mentioned in contempt notice of motion No. 419 of 2002, demolished the structure and therefore, the contempt notice of motion was taken out.

2. The learned counsel appearing for the petitioner submits that the contemnor's, as referred in contempt Notice of motion, were deleted except the officers of the Municipal Corporation of Greater Bombay. Therefore, though the averments made against the contemnors, the petitioner unable to pursue the actions against them. In the result, the submission as made by the learned counsel appearing for the

respondent that the demolition was carried out by the Deputy Collector and its officers and not by the Municipal Corporation is acceptable. This factual aspect, in view of the deletion of their name itself sufficient to reject the case of the petitioner/ plaintiff. There was no violation of the injunction order, as the parties against whom the injunction order was passed were no concerned with the demolition action.

3. The learned Judge after considering the material as well as the rival contentions raised by the parties, comes to a conclusion that the demolition action was not by the present respondent and having once not pressed, the contempt action against contemnor Nos. 1 and 2 as they were not party in the proceedings. The rejection of the contempt notice is therefore, within the framework of record and law.

4. Apart from this, the contempt action if any, is always the matter between the concerned parties and the Court. The Court having once come to a conclusion that there is no contempt, in my view no case is made out and no interference is necessary. The Writ Petition is dismissed.

(ANOOP V. MOHTA, J.)